

REMARKS

Applicants have carefully reviewed the Application in light of the Final Office Action mailed November 29, 2005. At the time of the Final Office Action, Claims 1, 4-9, 11, 14, 16-19, 21-22, 26-29, 31, 34-38, 40-43, and 46-58. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1, 4-7, 9, 11, 14, 16-19, 21-22, 26-29, 31, 34-38, 40, 42-43, and 46-54 under 35 U.S.C. §103(a) as being obvious over various combinations of U.S. Patent No. 6,259,701 issued to Shur et al. (hereinafter "*Shur*") in view of U.S. Patent No. 6,678,279 issued to Meredith et al. (hereinafter "*Meredith*"). The Examiner rejects Claim 41 under 35 U.S.C. §103(a) as being obvious over *Shur* in view of *Meredith* as applied to Claims 1, 4-7, 9, 11, 14, 16-19, 21-22, 26-29, 31, 34-38, 40, 42-43, and 46-54 and further in view of U.S. Patent No. 5,963,547 issued to O'Neil et al. (hereinafter "*O'Neil*"). The Examiner rejects Claims 55-58 under 35 U.S.C. §103(a) as being obvious over *Shur* in view of *Meredith* as applied to Claims 1, 4-7, 9, 11, 14, 16-19, 21-22, 26-29, 31, 34-38, 40, 42-43, and 46-54 and further in view of U.S. Patent No. 6,020,916 issued to Gerszberg et al. (hereinafter "*Gerszberg*"). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." M.P.E.P. § 706.02(j) (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). Applicants respectfully submit that the Examiner does not present either to support the rejections under 35 U.S.C. § 103(a).

Applicants respectfully submit that the combination fails to disclose, teach, or suggest each limitation recited in Applicants' claims. For example, *Shur* does not disclose, teach, or suggest "generating a virtual multicast intermediary in response to determining that the unicast telephony device is incapable of receiving multicast media streaming." The Examiner states that "the implementation of the MUS (see col. 1, line 55) is the equivalent of generating a multicast intermediary." *Office Action*, p. 2. Applicants respectfully disagree. *Shur* discloses that "[u]pon being presented with a list describing the subject matter of each session, the user at the Unicast client selects the session to which he or she wants to join, which causes the

Multicast-Unicast server to join the appropriate session on behalf of the requesting client for each media type for which the joining client wants to be a participant.” Col. 1, ll. 59-65. Causing the Multicast-Unicast server to join the session does not disclose, teach, or suggest “generating a virtual multicast intermediary in response to determining that the unicast telephony device is incapable of receiving multicast media streaming.” Therefore, *Shur* does not disclose, teach, or suggest at least this limitation. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

As another example, Applicants submit that neither *Shur* nor *Meredith*, alone or in combination, do not disclose, teach, or suggest “sorting, at the virtual multicast intermediary, the multicast media streaming sent to the multicast group address from the plurality of multicast telephony devices into individual streams based on the telephony devices that originated each stream.” The Examiner admits that *Shur* does not teach “[s]orting the multicast streaming from the plurality of multicast telephony devices 102, 104, etc. into individual streams based on the telephony devices that sent them.” *Office Action*, p. 3. The Examiner, instead, relies on *Meredith* to teach “sorting the multicast data and the unicast data in a packet switch buffering system which includes sorters 108. . . . Also, the act of converting the data packets to a format the line card interface units can use . . . can be considered to be an act of sorting.” *Office Action*, p. 3. *Meredith* merely discloses, however, that “sorter 108 examin[es] the output destination and priority parameters contained in each data packet to determine where in output buffer memory 110 to place the data packet.” Col. 2, l. 67 – col. 3, l. 3. Applicants respectfully submit that *Meredith* does not disclose, teach, or suggest at least this claim limitation. Because *Meredith* discloses that the sorter examines the **output destination** and priority parameters, *Meredith* cannot be said to disclose, teach, or suggest “sorting, at the virtual multicast intermediary, the multicast media streaming sent to the multicast group address from the plurality of multicast telephony devices into individual streams based on the telephony devices that originated each stream,” as recited in Applicants’ Claim 1.

“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” M.P.E.P. 2143.01 VI. As discussed above, in *Meredith*, the “output destination and priority parameters dictate where the data packet will be placed in output buffer memory.” Col. 2, ll. 65-67. The Examiner states that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to have sorted

the multicast media streaming from the plurality of telephony devices of *Shur* with their own special IP addresses, in light of the teachings of *Meredith*.” *Office Action*, p. 4. However, the principle of *Meredith*, placing a data packet in buffer memory based on output destination and priority parameters, requires substantial modification to disclose, teach, or suggest “sorting, at the virtual multicast intermediary, the multicast media streaming sent to the multicast group address from the plurality of multicast telephony devices into individual streams based on the telephony devices that originated each stream,” as recited in Claim 1. Therefore, *Shur* and *Meredith*, alone or in combination, do not disclose, teach, or suggest at least this limitation. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 11, 21, 31, 40, and 43 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, *Shur* and *Meredith*, alone or in combination, do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 11, 21, 31, 40, and 43 together with their dependents.

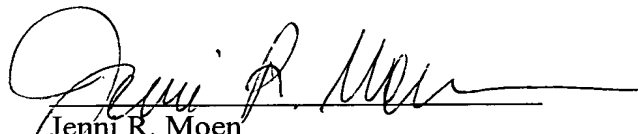
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact Jenni R. Moen, Attorney for Applicants, at (214) 953-6809.

Applicants believe that no fee is due, however, if this is not correct, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants


Jenni R. Moen
Reg. No. 52,038

Date: Jan. 27, 2006
Customer No. **05073**